

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DAMON LEE MINK,)
Petitioner,)
v.) Case No. CIV-24-484-SLP
CARRIE BRIDGES, et al.,)
Respondents.)

ORDER

Petitioner, a state prisoner appearing pro se, filed this habeas action pursuant to 28 U.S.C. § 2254. Pet. [Doc. No. 1]. On August 7, 2024, United States Magistrate Judge Shon T. Erwin entered a Report and Recommendation (R&R) [Doc. No. 7] recommending dismissal of this action without prejudice for failure to comply with the Court's prior Order [Doc. No. 5] to cure deficiencies in Petitioner's habeas petition. [Doc. No. 7] at 2.

Petitioner was advised that he could object to the R&R on or before August 26, 2024, and that failure to timely object could result in the waiver of his right to appellate review of the factual and legal issues raised. *Id.* at 2-3. To date, Petitioner has not filed an objection to the R&R, nor has he sought an extension of time to do so. Upon review, the Court concurs with the analysis set forth in the R&R.

IT IS THEREFORE ORDERED that the R&R [Doc. No. 7] is ADOPTED in its entirety, and this matter is DISMISSED WITHOUT PREJUDICE. A separate Judgment of Dismissal shall be entered contemporaneously with this Order.

IT IS FURTHER ORDERED that pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, the Court must issue or deny a certificate of appealability (COA) when it enters a final order adverse to a petitioner. A COA may issue only upon “a substantial showing of the denial of a constitutional right.” *See* 28 U.S.C. § 2253(c)(2). When the district court dismisses a habeas petition on procedural grounds, the petitioner must make this showing by demonstrating both “[1] that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and [2] that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Court finds that reasonable jurists would not debate the correctness of the Court’s determination. The Court therefore denies a COA.

IT IS SO ORDERED this 9th day of September, 2024.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE